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09/774,731	01/31/2001	Paul Steven Halverson	ROC9-2000-0232-US1	2668

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EXAMINER	
YE, LIN	

ART UNIT	PAPER NUMBER
2612	4

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/774,731	Applicant(s) HALVERSON, PAUL STEVEN
	Examiner Lin Ye	Art Unit 2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 January 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5, 7-9, 11, 13 and 16 rejected under 35 U.S.C. 102(b) as being anticipated by Brais et al. U.S. Patent 5,995,936.

Referring to claim 1, the Brais reference discloses in Figures 1 and 9, a digital camera system (See Col. 5, lines 5-10), comprising: a housing (camera 104, see Col. 6, lines 16-18); a digital optical sensing apparatus mounted within said housing, said digital optical sensing apparatus sensing optical images; a storage medium (computer 102) for storing digital optical images captured by said digital optical sensing apparatus (See Col. 6, lines 65-67); an acoustic sensor (transducer 106, See Col. 10, lines 40-41) capable of sensing human speech; a speech reduction apparatus (inside of computer 102) coupled to said acoustic sensor, said speech reduction apparatus converting human speech sensed by said acoustic sensor to a symbolic text form(See Col. 10, lines 40-46); and a controller which stores said symbolic text form in said storage medium in a relationship associated with a captured digital image (image

identifier in the form of filename is added to the text file) as shown in Figure 9 (See Col. 11, lines 39-55).

Referring to claim 2, the Brais reference discloses wherein said controller (inside of computer 102) comprises a programmable processor executing a control program (acquire image mode program) for controlling the operation of said digital camera (a command to acquire an image, See Col. 11, lines 51-54).

Referring to claim 3, the Brais reference discloses wherein said speech reduction apparatus comprises a speech reduction algorithm embodied as a plurality of instructions executable on said programmable processor (See Col. 10, lines 41-46).

Referring to claim 5, the Brais reference discloses all subject matter as discussed in respected claim 1.

Referring to claim 7, the Brais reference discloses wherein said step of rendering said human speech in a symbolic text form is performed by a programmable processor executing a speech reduction program inside of computer 102 (See Col. 9, lines 31-35 and Col. 10, lines 21-28).

Referring to claim 8, the Brais reference discloses wherein said programmable processor further executes a control program for controlling the operation of said digital camera, and said step of rendering said human speech in a symbolic text form is performed by said programmable processor in the background (While the text is an image identifier and inserted in image) when said control program is otherwise unoccupied (See Col. 13, lines 27-35).

Referring to claim 9, the Brais reference discloses all subject matter as discussed in respected claim 1.

Referring to claim 11, the Brais reference discloses all subject matter as discussed in respected claim 1, and recording at least one segment of human speech of a user in said digital camera, each segment corresponding to a respective digital image (Parsing text and inserting the text as image identifier to report or database), said recording step being performed substantially contemporaneously with said step of capturing the respective digital image; rendering said at least one segment human speech into at least one corresponding segment of symbolic text form using speech reduction apparatus within said digital camera; uploading said at least one digital image and said at least one segment of symbolic text to a digital image formatting apparatus; and formatting said at least one digital image and said at least one segment of symbolic text for viewing by a user using said digital image formatting apparatus (any appropriate software application, i.e., Microsoft PowerPoint to format to world wide web pages or any multimedia files), wherein each said segment of symbolic text is formatted for viewing in a human readable form (report) associated with its corresponding digital image (See Col. 12, lines 9-23).

Referring to claim 13, the Brais reference discloses wherein said digital image formatting apparatus is a general-purpose digital computer (102) executing a digital image-formatting program (i.e., Microsoft PowerPoint, See Col. 12, lines 12).

Referring to claim 16, the Brais reference discloses all subject matter as discussed in respected claim 11.

3. Claims 4, 6, 10, 12 and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Brais et al. U.S. Patent 5,995,936 in view of Williams U.S. Patent 6,308,154.

Referring to claim 4, the Brais reference discloses all subject matter as discussed in respected claim 1, except that the reference does not explicitly provide any detail of the speech to text conversion such as converts the human speech to an intermediate symbolic form comprising a symbolic representation of phonemes, the intermediate symbolic form being subsequently reduced to natural (spoken) language text by a separate apparatus.

The Williams reference discloses in Figures 1-3, a method for encoding a human speech under a symbolic textual format (e.g., phonemes, morphemes, words, sentences etc., See Col. 2, lines 1-10), ~~coveting~~ converting into a natural (spoken) language text by a separate apparatus (CPU 18 including speech recognition application 24 identify individual words and recognizing phonetic elements. When words are recognized, the CPU 18 store the individual words as textual information, and textual information subsequently reduced to natural language text with speech attributes, See Col. 2, lines 1-16, lines 40-53 and Col. 3, lines 3-7). The Williams reference is evidence that one of ordinary skill in the art at the time to see more advantages for a speech recognition apparatus can be programmed to phonetically break down the words so that a reader would have enough information to discern the meaning conveyed and understanding which meaning was intended. For that reason, it would have been obvious to see the speech reduction apparatus (102) converts said human speech sensed by said acoustic sensor to an intermediate symbolic form comprising a symbolic representation of phonemes, said intermediate symbolic form being subsequently reduced to natural language text by a separate apparatus disclosed by Brais.

Referring to claim 6, the Brais and Williams references disclose all subject matter as discussed in respected claim 4.

Referring to claim 10, the Brais and Williams references disclose all subject matter as discussed in respected claim 4.

Referring to claim 12, the Brais and Williams references disclose all subject matter as discussed in respected claim 4.

Referring to claim 17, the Brais and Williams references disclose all subject matter as discussed in respected claim 4.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 14-15 and 18-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Brais et al. U.S. Patent 5,995,936 in view of Englehardt U.S. Patent 5,477,511.

Referring to claims 14-15, the Brais reference discloses all subject matter as discussed in respected claim 11, and the reference shows the digital camera system can format the digital image and the symbolic text (converted from human speech) to a multimedia report or database file (See Col. 11, lines 45-48). However, the

reference does not explicitly show a printer for printing out the report file on paper or a display screen for viewing the report file.

The Englehardt reference discloses in Figures 1 and 4, a digital camera system comprising: recording visual information (image) by CCD (16); receiving voice data and transcribing the voice data by computer (5) voice recognition software; the both image data and text data format in a documentation; a printer (52) coupled to the system for printing out the documentation; and the computer display screen to viewing the documentation.(See Col. 5, lines 29-44). The Englehardt reference is evidence that one of ordinary skill in the art at the time to see more advantages for digital camera system has a printer and display screen for user to obtain a hard copy or quick preview immediately after the multimedia report is completed. For that reason, it would have been obvious to see the digital camera has a printer for printing out the report file on paper or a display screen for viewing the report file disclosed by Brais.

Referring to claims 18-19, the Brais and Englehardt references disclose all subject matter as discussed in respected claims 14-15.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

   a. Webb et al. U.S 6,282,154 discloses a portable hands-free documentation system for converting the human speech to text.

b. Tran U.S. 6,054,990 discloses a digital camera system providing a multimedia graphic data entry system.

c. Boulanov U.S. 2001/0037197 discloses a speech recognition system.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lin Ye** whose telephone number is **(703) 305-3250**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to:

(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Lin Ye
June 28, 2004

WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600